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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 SEAN JAMES DOWNING,

12 Plaintiff,

13 v.

14 COMMISSIONER OF SOCIAL  
15 SECURITY,

16 Defendant.

No. 2:23-CV-2198-DMC

ORDER

17  
18 Plaintiff, who is proceeding with retained counsel, brings this action for judicial  
19 review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g).  
20 Pending before the Court is Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 2.

21 Plaintiff has submitted the affidavit required by § 1915(a) showing that Plaintiff is  
22 unable to prepay fees and costs or give security therefor. The request to proceed in forma  
23 pauperis will, therefore, be granted. See 28 U.S.C. § 1915(a).

24 Accordingly, IT IS HEREBY ORDERED that:

- 25 1. Plaintiff's request to proceed in forma pauperis, ECF No. 2, is granted;  
26 2. The Clerk of the Court is directed to issue a summons for this case;

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1                   3.       Service on Defendant shall proceed under the Court's E-Service program  
2 as follows: once a summons is issued, the Clerk of the Court shall deliver to the Commissioner of  
3 Social Security and the United States Attorney's Office at their designated email addresses a  
4 notice of electronic filing of the action along with the summons and complaint; the Commissioner  
5 has agreed not to raise a defense of insufficient service of process if provided with notice of a  
6 complaint as detailed in this order; this order is not intended to prevent parties from making any  
7 other motions that are appropriate under the Federal Rules of Civil Procedure; and

8                   4.       The Clerk of the Court is directed to serve on Plaintiff the undersigned's  
9 scheduling order in social security cases.

10  
11 Dated: October 5, 2023

A handwritten signature in dark ink, appearing to read "Dennis M. Cota", written over a horizontal line.

DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE